

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEKISUI AMERICA CORPORATION and  
SEKISUI MEDICAL CO., LTD.,

Plaintiffs,

v.

RICHARD HART and MARIE LOUISE  
TRUDEL-HART,

Defendants.

Civil Action No. 12-CV-3479 (SAS)

**DECLARATION OF CRAIG B. WHITNEY IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE*  
TO EXCLUDE THE EXPERT REPORT AND TESTIMONY OF  
CARRIE M. KUEHN**

I, Craig B. Whitney, hereby declare:

1. I am a member of the Bar of the State of New York and am admitted to practice before this Court. I am an attorney at the law firm Morrison & Foerster LLP, counsel for Plaintiffs Sekisui America Corporation and Sekisui Medical Co., Ltd. (together, "Plaintiffs"). This declaration is being submitted in support of Plaintiffs' Opposition to Defendants' Motion *in Limine* to Exclude the Expert Report and Testimony of Carrie M. Kuehn. I have personal knowledge of the following facts.
2. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of the transcript of the September 27, 2013 conference before this Court.
3. Attached hereto as Exhibit B is a true and correct copy of the relevant portions of the transcript of the October 24, 2013 conference before this Court.
4. Attached hereto as Exhibit C is a true and correct copy of the letter from Defendants to this Court, dated November 4, 2013.
5. Attached hereto as Exhibit D is a true and correct copy of the Regulatory Affairs Certification (RAC), RAC Application webpage, available at <http://www.raps.org/rac.aspx> (last visited November 16, 2013).
6. Attached hereto as Exhibit E is a true and correct copy of the Regulatory Affairs Professionals Society, Medical Devices and Pharmaceuticals (Dual) Program Details webpage, available at <http://www.raps.org/online-university/regulatory-affairs-certificate-program/medical-devices-and-pharmaceuticals-dual.aspx> (last visited November 16, 2013).
7. Attached hereto as Exhibit F is a true and correct copy of the Maintain Your RAC Certification webpage, available at [www.raps.org/RAC/maintain-your-rac.aspx](http://www.raps.org/RAC/maintain-your-rac.aspx) (last visited November 16, 2013).

8. Attached hereto as Exhibit G is a true and correct copy of the relevant portions of the transcript of the August 22, 2013 deposition of Carrie Kuehn.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 18, 2013 in New York, New York.

/s/ Craig B. Whitney

Craig B. Whitney